



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/801,709

03/17/2004

William Pan

MR1957-863

1842

4586

7590

08/06/2009

ROSENBERG, KLEIN & LEE

3458 ELLICOTT CENTER DRIVE-SUITE 101

ELLICOTT CITY, MD 21043

EXAMINER

SQUIRES, ELIZA A

ART UNIT

PAPER NUMBER

3626

NOTIFICATION DATE

DELIVERY MODE

08/06/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoactions@rkpatlaw.com

ptoactions@yahoo.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/801,709	<b>Applicant(s)</b> PAN, WILLIAM	
	<b>Examiner</b> Eliza Squires	<b>Art Unit</b> 3626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The Amendment received 7/21/2009 has been entered. Claims 1, 3-5, 11-13, 15, and 20 have been amended. Claims 1-37 remain pending.

#### ***Response to Arguments***

1. Applicant's arguments filed 7/21/2009 have been fully considered but they are not persuasive.
2. Applicant argues on page 12 of the Arguments that NYT does not disclose a “remote medical apparatus” or a “remote mobile communication apparatus”. As claimed a “remote medical apparatus” and a “remote mobile communication apparatus” may be the described “PalmTops” that are operated remotely from a centralized server. Applicant did not provide a special definition of the term “remotely” therefore the Examiner defines “remotely” as: “the ability to access and use digital information from a location off-site from where the information is physically located” ([www.library.yale.edu/~license/definiti.shtml](http://www.library.yale.edu/~license/definiti.shtml)). The reference therefore meets the definition and the claim limitation.
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “NYT does not disclose a “remote medical apparatus” or a “remote mobile communication apparatus” enabling physicians to consult remotely from the hospital) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Art Unit: 3626

4. Applicant argues on page 13 that “Nowhere does NYT disclose or suggest that the Doctors use a remote medical apparatus connecting to a remote mobile communication apparatus.” Physicians in NYT transmit information to a server from their PalmTops which in turn can be “...read by any computer, hand-held or otherwise”. Thus, a Doctor may use a “remote medical apparatus” (a PalmTop) and connect it to (i.e. transfer information to) a “remote mobile communication apparatus” (any computer, hand-held or otherwise) via a server (see paragraphs 1-3). The reference therefore teaches the limitation.

5. Applicant additionally argues on page 13 that NYT teaches away from the remote medical apparatus in Fig. 3 of the drawings which is a laptop-type device. The features of this device (e.g. a laptop type device) are not claimed in the currently pending claims and cannot be read into the claims. In regard to the argument that NYT teaches away from the intention of the application specifically cited in figure 3, the PalmTop of NYT is only an example and preferred embodiment of a system, and does not criticize, discredit, or otherwise discourage the solution claimed and therefore does not teach away. See MPEP 2123 and *In re Fulton*, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

6. Applicant argues on page 14 that “the camera attachment was coupled to the palmtop and NOT to a medical server”. The PalmTop as taught by NYT is coupled to a medical server see paragraph 3 (as demarcated) therefore the camera attachment is coupled to a medical server.

7. The two arguments that “the images are...NOT to capture an image of a patient for future diagnoses and remote consultation prior to performing procedures” and “the images were NOT used for the purposes and objectives of remote consultation” are features not in the claims and cannot be read into the claims. Additionally, these arguments are regarding the intended use of

Art Unit: 3626

the system. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

8. Applicant argues on pages 14 and 15 that NYT does not describe two way communication; however, this is not claimed and cannot be read into the claims from the specification.

9. In regard to applicants arguments that the New York Times article is a non-enabling disclosure as one of ordinary skill in the art would not be motivated to create the instant approach, Applicant does not provide a deposition from one of ordinary skill in the art that they would not be able to create the claimed invention, therefore, the argument is not persuasive.

10. New art is applied necessitated by Applicant's Amendment. All pending claims are currently rejected under 35 USC 103.

***Claim Rejections - 35 USC § 103***

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. **Claims 1-4, 9-11, 13-21, 25-27, 30, 32-35, and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over “Palmtops in the Operating Room” from the New York Times August 22, 2002 hereinafter referred to as *NYT* in view of U.S. Patent Application 2002/0188474 to *Collamore et al.*

13. **As to claim 1**, *NYT* discloses a method for remote consultation, comprising:

Providing a medical equipment device operatively coupled to a medical server (*NYT* paragraphs 1 and 2 as marked);

employing the medical server to transmit the first medical report to a remote mobile communication apparatus via a wireless communication network (*NYT* paragraphs 1 and 2 as marked);

browsing the first medical report so as to produce a second medical report (*NYT* paragraphs 1 and 2 as marked); and

transmitting the first medical report from the remote mobile communication apparatus to a remote medical apparatus (*NYT* paragraphs 1 and 2 as marked);

sending the second medical report from the remote medical apparatus back to the medical server via the remote mobile communication apparatus (*NYT* paragraphs 1 and 2 as marked).

*NYT* teaches a medical equipment device that is used to capture an image of a procedure (which may display internal features of a patient such as the area of the body where the procedure is being done). However the reference does not explicitly disclose actuating a medical

Art Unit: 3626

equipment device to capture an internal image of a patient and generating a report including the internal image of the patient.

*Collamore* discloses providing actuating a medical equipment device to capture an internal image of a patient (*Collamore* paragraph [0039])

Generating a first medical report to include the internal image of the patient (*Collamore* paragraph [0039] and [0041]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *NYT* with *Collamore* for the purposes of improved record keeping and improving availability of information for proper diagnosis.

Since the Applicant did not specifically detail what type of "wireless communication network" transmitted information, a wireless connection to an intermediary server may be used to conduct transmission of data in the claim. Therefore if the second medical report is sent from the remote apparatus to a server and viewed by the remote mobile communication apparatus and sent back to the server it meets the claim limitation. In *NYT* a doctor may send a second report from their PalmTop to the server that may be viewed by another PalmTop and saved by the server; thus meeting the instant claim limitation sending the second medical report from the remote medical apparatus back to the medical server via the remote mobile communication apparatus.

14. **As to claim 2**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the mobile communication apparatus is a portable apparatus (*NYT* paragraphs 1 and 2).

Art Unit: 3626

15. **As to claim 3**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the first medical report is produced by the medical equipment device and stored into the medical server (*NYT* paragraphs 1 and 2).

16. **As to claim 4**, see the discussion of claim 3, additionally, *NYT* discloses the method wherein the medical equipment device has a medical image instrument used to photograph an inner image of a human body to produce at least a medical image (*NYT* paragraph 1 wherein the palmtop has “photos and videos of procedures”).

17. **As to claim 5**, *NYT* discloses the method substantially as claimed in claims 1 and 3 above; however the reference does not disclose a medical report generate to combine medical images with text. *Collamore* discloses the method wherein the medical equipment device has a medical report generator used to combine medical images with a medical text to generate the first medical report (*Collamore* [0041]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *NYT* with *Collamore* so that a user will be better informed and therefore capable of making a better decision.

18. **As to claim 6**, see the discussion of claims 1, 3, and 5, additionally, *Collamore* discloses the method wherein the medical report generator is a computer (*Collamore* [0041]).

19. **As to claim 9**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the first medical report comprises at least a medical image and a medical text (*NYT* paragraphs 1 and 2).



Art Unit: 3626

20. **As to claim 10**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the step of employing the medical server to transmit the first medical report to the remote mobile communication apparatus further comprises:

displaying the first medical report on a screen of the mobile communication apparatus (*NYT* paragraphs 1, 2, and 3 as shown).

21. **As to claim 11**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the step of actuating the remote medical apparatus to display is performed by using a medical report displaying device of the remote medical apparatus (*NYT* paragraph 1).

22. **As to claim 13**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the step of actuating the remote medical apparatus to display the first medical report so as to produce the second medical report is performed by using a medical report generating device of the remote medical apparatus to increase or modify a medical text of the first medical report to form the second medical report (*NYT* paragraphs 1 and 2).

23. **As to claim 14**, see the discussion of claim 1 and 13, additionally, *NYT* discloses the method wherein the input unit is a text input key or a handwriting input device (*NYT* paragraphs 1 and 2).

24. **As to claim 15**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the step of actuating the remote medical apparatus to display the first medical report comprises:

consulting by using the first medical report and producing the second medical report by using the remote medical apparatus (*NYT* paragraphs 1 and 2).

Art Unit: 3626

25. **As to claim 16**, see the discussion of claim 1 and 15, additionally, *NYT* discloses the method wherein the mobile communication apparatus is connected with the remote medical apparatus in a wireless manner (*NYT* paragraphs 1 and 2).

26. **As to claim 17**, see the discussion of claims 1 and 15, additionally, *NYT* discloses the method wherein the remote medical apparatus has a medical report displaying device used for a user to browse the medical reports (*NYT* paragraph 1 wherein the report can be read on any computer wireless or otherwise).

27. **As to claim 18**, see the discussion of claim 1 and 15, additionally, *NYT* discloses the method wherein the remote medical apparatus has a medical report generating device used to increase, modify or vary a medical image or a medical text of the first medical report to form the second medical report (*NYT* paragraphs 1 and 2).

28. **As to claim 19**, see the discussion of claims 1 and 15, additionally, *NYT* discloses the method wherein the remote medical apparatus is a computer (*NYT* paragraphs 1 and 2).

29. **As to claim 20**, *NYT* discloses a system for remote consultation, comprising:

a medical server operatively coupled with the medical equipment device for storing the first medical report (*NYT* paragraphs 1 and 2);

a remote mobile communication apparatus connected with the medical server via a wireless communication network for accessing the first medical report (*NYT* paragraphs 1-3);  
and

a remote medical apparatus operatively coupled to the remote communication apparatus for accessing the first medical report via the remote mobile communication apparatus to display the first medical report for remote consultation and sending a second medical report back via the

Art Unit: 3626

remote mobile communication apparatus after the second medical report is produced (*NYT* paragraphs 1-3).

Since the Applicant did not specifically detail what type of "wireless communication network" transmitted information, a wireless connection to an intermediary server may be used to conduct transmission of data in the claim. Therefore if the second medical report is sent from the remote apparatus to a server and viewed by the remote mobile communication apparatus and sent back to the server it meets the claim limitation. In *NYT* a doctor may send a second report from their PalmTop to the server that may be viewed by another PalmTop and saved by the server; thus meeting the instant claim limitation sending the second medical report from the remote medical apparatus back to the medical server via the remote mobile communication apparatus.

*NYT* teaches a medical equipment device that is used to capture an image of a procedure (which may display internal features of a patient such as the area of the body where the procedure is being done). However the reference does not explicitly disclose at least a medical equipment device used to capture an internal image of a patient and produce a first medical report, the first medical report containing the internal image of a patient.

*Collamore* discloses at least a medical equipment device used to capture an internal image of a patient and produce a first medical report, the first medical report containing the internal image of a patient (*Collamore* paragraph [0039] and [0041]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *NYT* with *Collamore* for the purposes of improved record keeping and improving availability of information for proper diagnosis.

Art Unit: 3626

30. **As to claim 21**, see the discussion of claim 20, additionally, *NYT* discloses the system wherein the medical equipment has a medical image instrument used to photograph the internal image of a human body to produce at least a medical image (*NYT* wherein the palmtop has “photos and videos of procedures” and a camera attachment). To clarify the reason that new art may be properly applied to the current independent claim, Examiner notes the statement that “...the image instrument is used to photograph an internal image of a human body...” is intended use type language; the claim fails to positively recite that the photograph is an inner image in this instance. See MPEP 2106.

31. **As to claim 22**, *NYT* discloses the system substantially as claimed in claim 20 and 21 above, however the reference does not explicitly teach a specific type of medical image instrument. *Collamore* discloses the system wherein the medical image instrument is an ultrasound detector (*Collamore* paragraphs [0039] and [0041]).

It would have been obvious to one of ordinary skill in the art to modify the system of *NYT* with *Collamore* since the combination would provide the user with more information from which a more informed decision can be made.

32. **As to claim 23**, *NYT* discloses the method substantially as claimed in claim 20 above; however the reference does not disclose a medical report generate to combine medical images with text. *Collamore* discloses the method wherein the medical equipment has a medical report generator used to combine medical images with a medical text to generate the first medical report (*Collamore* [0041]).

Art Unit: 3626

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *NYT* with *Collamore* so that a user will be better informed and therefore capable of making a better decision.

33. **As to claim 24**, see the discussion of claims 20 and 23, additionally, *Collamore* discloses the system wherein the medical report generator is a computer (*Collamore* [0041]).

34. **As to claim 25**, see the discussion of claim 20, additionally, *NYT* discloses the system wherein the first medical report comprises at least a medical image and a medical text (*NYT* paragraphs 1 and 2).

35. **As to claim 26**, see the discussion of claim 20, additionally, *NYT* discloses the system wherein the medical server comprises:

a storage unit used to store the first medical report or the second medical report (*NYT* paragraphs 1 and 2);

a transceiver used to transmit the first medical report to the remote mobile communication apparatus via the wireless communication network and receive the second medical report from the remote mobile communication apparatus (*NYT* paragraphs 1 and 2);  
and

a processor connected with the storage unit and the transceiver for transmitting the first medical report (*NYT* paragraphs 1 and 2).

36. **As to claim 27**, see the discussion of claim 20, additionally, *NYT* discloses the system wherein the remote mobile communication apparatus is a portable apparatus (*NYT* paragraphs 1 and 2).

Art Unit: 3626

37. **As to claim 30**, see the discussion of claim 30, additionally, *NYT* discloses the system, wherein the remote mobile communication apparatus comprises:

a screen for displaying the first medical report (*NYT* paragraphs 1, 2, and 3 as shown);  
and

an input unit for browsing the first medical report so as to modify a medical text of the first medical report to form the second medical report (*NYT* paragraphs 1 and 2).

38. **As to claim 32**, see the discussion of claims 20 and 30, additionally, *NYT* discloses the system wherein the input unit is a text input key and a handwriting input device (*NYT* paragraphs 1 and 2).

39. **As to claim 33**, see the discussion of claim 20, additionally, *NYT* discloses the system wherein the second medical report is produced by the remote mobile communication apparatus (*NYT* paragraphs 1 and 2).

40. **As to claim 34**, see the discussion of claim 20, additionally, *NYT* discloses the system wherein the remote medical apparatus is connected with the mobile communication apparatus in a wireless manner (*NYT* paragraphs 1 and 2).

41. **As to claim 35**, see the discussion of claims 20 and 34, additionally, *NYT* discloses the system wherein the remote medical apparatus comprises:

a medical report displaying device used for a user to browse the medical reports (*NYT* paragraphs 1 and 2); and

a medical report generating device used to modify or vary a medical text of the first medical report to form the second medical report (*NYT* paragraphs 1 and 2).

Art Unit: 3626

42. **As to claim 37**, see the discussion of claims 20 and 34, additionally, *NYT* discloses the system wherein the remote medical apparatus is a computer (*NYT* paragraphs 1 and 2).

Art Unit: 3626

43. **Claims 7-8 and 28-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over *NYT* in view of *Collamore* in further view of U.S. Patent Application 2004/002305 to *Byman-Kivivuori et al.*

44. **As to claim 7**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the step of employing the medical server to transmit the first medical report to the remote mobile communication apparatus. However, the reference does not explicitly teach using MMS to transmit data. *Byman-Kivivuori* discloses using a multimedia message service (MMS) to transmit the data (*Byman-Kivivuori* paragraph [0052]).

Since all wireless communications devices are required to use a service to send and receive data, and as discussed by *Byman-Kivivuori* there are a number of services that can be picked from to perform the same service (the exchange of data) examples include WAP, SMS, MMS, EMS, etc. It would have, then, been obvious to try, by one of ordinary skill in the art at the time of the invention to pick the MMS type service and incorporate it into the method of *NYT* since there are a finite number of identified, predictable solutions (types of communication service) to the recognized need and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success.

45. **As to claim 8**, see the discussion of claim 1, additionally, *NYT* discloses the method as claimed in the claim 1, wherein the step of employing the medical server to transmit the first medical report to the remote mobile communication apparatus executes a program to download the first medical report from the medical server (*NYT* paragraphs 1 and 2). However, the reference does not explicitly teach using Java to download a file. *Byman-Kivivuori* discloses using Java to download a program (*Byman-Kivivuori* paragraph [0057]).



Art Unit: 3626

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of *NYT* with the use of Java to download a file of *Byman-Kivivuori* since the combination would improve the interoperability of the program among different computer platforms.

46. **As to claim 28**, see the discussion of claim 20, additionally, *NYT* discloses that the remote mobile communication apparatus access the first medical report. However, the reference does not disclose that it uses MMS. *Byman-Kivivuori* discloses the use of MMS (*Byman-Kivivuori* paragraph [0052]).

Since all wireless communications devices are required to use a service to send and receive data, and as discussed by *Byman-Kivivuori* there are a number of services that can be picked from to perform the same service (the exchange of data) examples include WAP, SMS, MMS, EMS, etc. It would have, then, been obvious to try, by one of ordinary skill in the art at the time of the invention to pick the MMS type service and incorporate it into the method of *NYT* since there are a finite number of identified, predictable solutions (types of communication service) to the recognized need and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success.

47. **As to claim 29**, see the discussion of claim 20, additionally, *NYT* discloses a system wherein the remote mobile communication device executes a program to download the first medical report from the medical server (*NYT* paragraphs 1 and 2). However, the reference does not explicitly teach using Java to download a file. *Byman-Kivivuori* discloses using Java to download a program (*Byman-Kivivuori* paragraph [0057]).

Art Unit: 3626

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of *NYT* with the use of Java to download a file of *Byman-Kivivuori* since the combination would improve the interoperability of the program among different computer platforms.

Art Unit: 3626

48. **Claims 12, 31, and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over *NYT* in view of *Collamore* in further view of [www.palm.com](http://www.palm.com) website for the date April 2, 2002 obtained via [www.archive.org](http://www.archive.org) herein after referred to as *Palm*.

49. **As to claim 12**, see the discussion of claims 1 and 11, additionally, *NYT* discloses the method wherein the step of browsing the first medical report via a communication apparatus (*NYT* paragraph 1 and 2). However, the reference does not explicitly teach that it is done by specific keys. *Palm* discloses a page-up key and a page-down key of the input unit of the mobile communication apparatus (*Palm*, see arrow).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *NYT* with *Palm* since the combination would improve the ease of browsing.

50. **As to claim 31**, *NYT* discloses the system substantially as claimed in claim 20 and 30 above, however the reference does not explicitly teach that it is done by specific keys. *Palm* discloses a page-up key and a page-down key of the input unit of the mobile communication apparatus (*Palm*, see arrow).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *NYT* with *Palm* since the combination would improve the ease of browsing.

51. **As to claim 36**, *NYT* discloses the system substantially as claimed claims 20 and 34-35, however the reference does not explicitly teach that it is done by specific keys. *Palm* discloses a page-up key and a page-down key of the input unit of the mobile communication apparatus (*Palm*, see arrow).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *NYT* with *Palm* since the combination would improve the ease of browsing.

***Conclusion***

52. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eliza Squires whose telephone number is (571)270-7052. The examiner can normally be reached on Monday through Friday 8 am - 4 pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. S./

Examiner, Art Unit 3626

7/30/2009

/Robert Morgan/

Primary Examiner, Art Unit 3626